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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON - PORTLAND DIVISION

In re

ANNIKA URSULA ERIKSSON AKA ANNIKA
LEE AKA ANNIKA URSULA BOLON DBA
SOULMATES DBA ANNIKA LEE,

Debtor.

Case No. 22-31175-thp13

Chapter 13

OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN

341(A) MEETING:

DATE: 08/30/2022

TIME: 10:00 AM

PLACE: MEETING VIA TELEPHONE

CONFIRMATION HEARING:

DATE: 09/08/2022

TIME: 9:00 AM

CTRM: TELEPHONE HEARING

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc.,
Mortgage Asset-Backed Pass-Through Certificates Series 2006-QS14 ("Creditor"), hereby objects to
confirmation of the Chapter 13 Plan filed by Debtor in the above-referenced matter. PHH Mortgage
Corporation acts as the servicing agent for Creditor. The basis of the objection is stated below.

I. STATEMENT OF FACTS

1. On or about July 21, 2006, Augustine L. Monckton and Gerald G. Monckton, Jr
("Borrowers") executed an Initial Interest Note in the original principal amount of \$232,000.00 (the
"Note"). The Note is secured by a Deed of Trust encumbering real property commonly described as

1 1730 Southwest 203rd Avenue, Aloha, Oregon 97003 (the “Property”), which is more fully described in
2 the Deed of Trust.

3 2. Subsequently, all right, title and interest under the Note and Deed of Trust was assigned
4 to Creditor.

5 3. On or about July 21, 2022, Annika Ursula Eriksson (“Debtor”) filed a Chapter 13
6 bankruptcy petition. Debtor’s Chapter 13 Plan (“Plan”) provides for payments to the Trustee in the
7 amount of \$452.82 per month for 36 months. However, the Plan does not provide for the claim.

8 4. The pre-petition arrearage on Creditor's secured claim is estimated to be \$492,558.30. The
9 arrears will be reflected on Creditor’s Proof of Claim if one is filed.

10 5. On or about 12/20/2021, an unauthorized Grant Deed was recorded in the Washington
11 County Recorder's office whereby Turning Leaf Homes, Michelle Baron purported to transfer interest in
12 the Property to Annika Eriksson for \$1.00 consideration.

13 6. As the Property was transferred to Debtor without Creditor's prior knowledge or
14 authorization, the loan has become fully due and payable pursuant to the terms of the Deed of Trust.

15 **II. ARGUMENT**

16 Application of the provisions of 11 U.S.C. § 1325 and determines when a plan shall be confirmed
17 by the Court. Based on the above sections, as more fully detailed below, this Plan cannot be confirmed
18 as proposed.

19 **A. PROMPT CURE OF ARREARS FULL VALUE REQUIREMENT**

20 Pursuant to 11 U.S.C. § § 1322(b)(5) and 1325(a)(5)(B)(ii), a plan must provide for the cure of
21 arrears within a reasonable time and provide for continuing payments on a secured claim where the last
22 payment is due after the date which the final plan payment is due.

23 Arrears owed on Creditor’s claim are estimated to be \$492,558.30, but the plan fails to provide
24 for the repayment of arrears. Debtor will have to amend the Plan and provide for the Trustee to disburse
25 arrears payments to Creditor in order to cure pre-petition arrears over 60 months.

26 As proposed, the Plan fails to satisfy 11 U.S.C. § § 1322(b)(5) and 1325(a)(5)(B)(ii), and is not
27 feasible. Confirmation must be denied.

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2 WHEREFORE, Creditor respectfully requests:

- 3 i. That confirmation of the Debtor's Chapter 13 Plan be denied and Debtor be ordered to file a
4 Motion to Confirm Amended Plan within 14 days;
5 ii. Alternatively, that the Plan be amended to provide for complete payment of the loan or surrender
6 of the property and relief from the Stay and Co-Debtor Stay; and,
7 iii. For such other and further relief as this Court deems just and proper.

8 Respectfully submitted,

9 ALDRIDGE PITE, LLP

10 Dated: August 24, 2022

/s/ Jesse A.P. Baker (SBN 36077)

11 JESSE A.P. BAKER

12 Attorneys for Deutsche Bank Trust Company Americas, as
13 Trustee for Residential Accredit Loans, Inc., Mortgage
14 Asset-Backed Pass-Through Certificates Series 2006-QS14
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1 **CERTIFICATE OF SERVICE**

2 On August 30, 2022, I caused the foregoing OBJECTION TO CONFIRMATION OF CHAPTER
3 13 PLAN to be served on the following individuals by depositing true copies thereof in the United States
4 mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

5 **DEBTOR(S)**

6 Annika Ursula Eriksson
7 1730 SW 203rd Ave
8 Beaverton, OR 97003

9 The following parties were served by electronic means through the Court's ECF service:

10 **CHAPTER 13 TRUSTEE**

11 Wayne Godare

12 I certify under penalty of perjury that the foregoing is true and correct.

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14 Dated: August 30, 2022

/s/ Ana Vetter
Ana Vetter